



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

To: the Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office (USPTO),
Mr. John Doll

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

From: Dr. Igor Troitski, inventor of 27 U.S. Patents, and first named inventor of
applications No. 11/317,379; 10/751,325; 11/234,813; 11/129, 730; 11/053,983;
11/108,121 and 11/023,115; primary examiner Maria Alexandra Elve

08/05/2009

Dear Mr. John Doll:

This is the **fifth letter**, which applicants address to you with the request to help
them to receive a consideration of the evidences stated in the **letter of April 20, 2009**.

All four responses to the our four previous letters were signed by Mr. David
Wiley, who, on various pretexts, turned down applicant's request to consider the letter of
Apr 20, 2009, which was addressed to you.

Pretext No 1. Mr. David Wiley advises: "the applicant is to firstly discuss the
matter with the examiner's supervisors" and "the next step would have been to contact
the second-line manager or Technology Center Director".

Applicants respectfully notice that the letter of April 20, 2009 comprises the
references to the letters, which were sent to Tu B. Hoang, examiner's supervisor,
(02/02/2009; 02/13/2009; 02/23/2009; 03/24/2009; 03/26/2009), the Director of

Technology Center 1700 (03/02/2009, and the Chief of Department 1725 (03/06/2009). No response was received.

Consequently, applicants appealed to the Acting Director of the USPTO only after unsuccessful efforts to receive a reply of “first-line” and “second-line” managers including Director of Technology Center 1700.

Pretext No 2. Mr. David Wiley writes: “A review of this application does not provide any indication that direct communication with a **Technology Center 3700** Director has occurred.”

Applicants respectfully note that Mr. David Willey informed that letters of January 26, 2009, and February 26, 2009, which were addressed to the Inventor Assistance Center (IAC), have been brought to attention of Lesley Morris, Quality Action Specialist **Technology Center 3700**. After this information, applicants mailed a letter (03/31/2009) with additional evidences, which was also addressed to **Lesley Morris, Quality Action Specialist Technology Center 3700**. No response was received.

Consequently, applicants appealed to the Acting Director of the USPTO only after unsuccessful efforts to receive a reply of Lesley Morris, Quality Action Specialist Technology Center 3700.

Pretext No 3. Mr. David Wiley asserts: “In response, it would be inappropriate to comment on the merits of any particular application”.

Applicants respectfully notice that this assertion is not correct, because the letter of April 20, 2009 does not request to “comment on the merits of any particular application”, but requests to consider the evidences of unskilled, careless and negligent examiner’s work. All applications mentioned above are the examples, which illustrate each applicant’s evidence of the letter of April 20, 2009: Additionally, the letter of 20, 2009 illustrates how managers of USPTO ignore applicant’s requests to consider their arguments. Even Mr. David Wiley, who replies to the letters addressed to Acting Director of the USPTO, does not reply to the letter of May 27, 2009, which was addressed to him, personally.

Consequently, applicants do not request to “comment on the merits of any particular application”, but request to consider the work of the examiner, who examined large number of applications by the same unskilled, careless and negligent manner, and also applicants draw Director’s attention to the fact that all managers, to whom the applicants appealed, ignored applicant’s request to help them to receive required consideration.

Pretext No 4. Mr. David Wiley writes: “Nevertheless, we can comment that it appears from a review of the prosecution history of each of your seven applications that ... no evidence was found of any abuse of the patent prosecution process”.

Applicants respectfully notice that they mailed a letter (06/01/2009), which was addressed to Henry Yuen, Special Programs Examiner. This letter comprises evidences that “the Office Actions produced by examiner, Maria Alexandra Elve, with respect to mentioned above applications do not comply with the USPTO rules and regulations”. Also, this letter includes the evidences that the examination of the prosecution history of mentioned above patents, which was signed by Robert Olszewiski, Director Technology Center 3700, “either ignores the arguments, stated in the Petition, or gives the evasive answers”.

The Special Programs Examiner has not yet refuted these examiner’s evidences.

Pretext No 5. Mr. David Wiley writes: “Technology Center 3700, where your applications were being examined, has addressed your concerns as well as your petitions”

Applicants respectfully notice that each letter of Technology Center 3700 (05/07/09) comments on the merits of only particular application and does not consider the general problems, applicant’s arguments and the evidences stated in the letter of Apr. 20, 2009.

Applicants respectfully request to indicate pages and lines of the letters of Technology Center 3700 (05/07/09), where a consideration of the letter of Apr. 20, 2009 is produced.

Pretext No 6. Mr. David Wiley asserts “that the actions of the examiner were not arbitrary or capricious”.

Applicants respectfully notice that **this assertion is unfounded because nobody refuted the evidences of the letter of Apr. 20, 2009:**

- **EVIDENCES** proving that the subsequent Office Actions produced by Maria Alexandra Elve contain pages which have already been used in previous Office Actions and these Office Actions do not contain the examination of the Claims and descriptions of present applications (pages 1-12 of the Remarks);
- **EVIDENSES** proving careless treatment of the examination of applications No. 10/751,325; 11/317,379; 11/234,813; 11/053,983; 11/108,121 and 11/023,115 (pages 12-16 of the Remarks);
- **EVIDANCES**, which prove that the Office Action in the response to the Request for Continued Examination does not contain examination of the applicant’s arguments stated in the Remarks of the Response and coincide word for word with the previous final Office Action (page 17 of the Remarks);
- **EVIDANCES** which demonstrate that the Advisory Actions in the response to the Request for Reconsideration completely ignore the applicant’s arguments and contain false statement and misrepresent the facts (pages 17 -18 of the Remarks);
- **EVIDENCES FOR CONCLUSION** that the examiner who produced Office Actions with respect to application No. 10/751,325; 11/317,379; 11/234,813; 11/053,983; 11/108,121 and 11/023,115 does not know the scientific publications, U.S. Patents and terminology relating to the art of the present invention and does not read presented references (pages 18 -19 of the Remarks);
- **EVIDENCES** arguing that the examiner, who produced Office Actions with respect to applications No. 10/751,325; 11/317,379; 11/234,813; 11/053,983; 11/108,121; 11/129,730 and 11/023,115 does not know the breakdown phenomenon, which is the foundation of the inventions disclosed in the above mentioned applications (pages 19 -21 of the Remarks);
- **EVIDENCES FOR CONCLUSION** that the examiner, who produced Office Actions with respect to applications No. 10/751,325; 11/317,379; 11/234,813; 11/053,983; 11/108,121; 11/129,730 and 11/023,115 does not know holography and the fundamental law of color creation (pages 21- 23 of the Remarks);
- **EVIDENCES FOR CONCLUSION** that the examiner, who produced Office Actions with respect to applications No. 10/751,325; 11/317,379; 11/234,813; 11/053,983; 11/108,121; 11/129,730 and 11/023,115 makes false statements (pages 23- 24 of the Remarks).

Conclusion: For the fourth time, Mr. David Wiley, using various pretexts, denied assistance to the applicants to receive a consideration of the Remarks of the letter (Apr. 20, 2009), which was addressed to Mr. John Doll, Acting Director of USPTO.

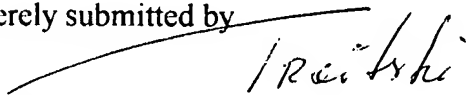
Applicants respectfully repeat their request to render assistance in consideration of the letter (Apr. 20, 2009), and the following seven applicant’s statements with a glance

of Patents Rules of Practice, 37 C.F.R Part 1, and the laws established for patents by Congress, title 35 of the United States Code:

1. The examiner abandoned applications and did not notice the physical phenomenon, which is the basis of these applications.
2. The examiner rejects all claims because the applications use the terminology, which is, really, used in many U.S. Patents.
3. The examiner does not consider applicant's arguments and makes false statements to escape the answers to the applicant's arguments.
4. The examiner explains the rejection of the examined claims by contending that U.S. patents "must be read as a whole and not just the claims".
5. The examiner demonstrates that she does not know even terminology, which is used in U.S. Patents relating to the art of the examined applications.
6. The examiner copies whole pages of the previous Office Actions and includes these copies in the following Office Actions with respect to other applications disclosing different methods.
7. The examiner rejects presented claims by alleging that presented applications use the terms, physical phenomena and equipment, which, in fact, these applications do not use.

The evidences of these applicant's statements are also given in the letter of Apr. 20, 2009.

Sincerely submitted by

A handwritten signature in cursive script, appearing to read "I. Troitski", written over a horizontal line.

Dr. Igor Troitski